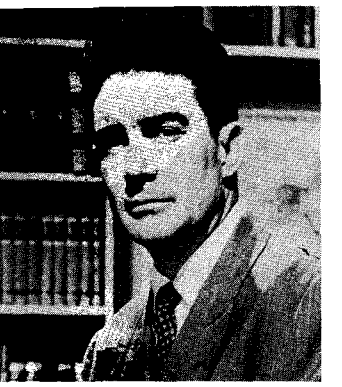
THE
Dan Smoot Report

Vol. 12, No. 34 (Broadcast 574) August 22, 1966 Dallas, Texas



DAN SMOOT

THE RIGHT OF SELF-DEFENSE

Since the assassination of President Kennedy in November, 1963, Congress has considered several bills to provide more stringent federal firearms control. The bill given most consideration is S 1592, originally introduced by Senator Thomas Dodd on August 2, 1963, revised and reintroduced on March 22, 1965.

As revised and approved by a Senate Subcommittee on April 1, 1966, the Dodd bill became the only federal firearms proposal likely to be seriously considered during the present session. The possibility that Congress would pass the Dodd bill in 1966 was virtually non-existent until August 1, when Charles Joseph Whitman (a Floridan who was a student at the University of Texas) shot 46 persons in Austin (15 of whom died). Before shooting the 46, Whitman had stabbed his wife to death, murdered his mother with a gun.

President Johnson demanded quick passage of the Dodd firearms bill, saying "the time has come for action before further loss of life that might be prevented by its passage."[1] The President failed to note that the Dodd bill would not have prevented the grisly affair in Austin. In the arsenal which Whitman took to the University of Texas tower for his orgy of murder was a sawed-off shotgun — a weapon which was "outlawed" 32 years ago by the National Firearms Act of 1934. Another of Whitman's guns was a pistol: his taking this weapon to the University of Texas tower was a violation of Texas law.

Senator Dodd urged immediate consideration of his gun-control bill. While conceding that the bill would not prevent such "senseless murders" as those committed by Whitman, Dodd said it would be a deterrent. He mentioned New York State's Sullivan law as a deterrent.[2] He did not mention that, last year, in New York City alone, there were 631 "senseless murders," 1154 rapes, 16,325 assaults.[3] Not long ago, a girl was arrested in New York City for violating the Sullivan law by using a switchblade knife to defend herself against a rapist. More recently, another girl

THE DAN SMOOT REPORT is published weekly by The Dan Smoot Report, Inc., Box 9538, Dallas, Texas 75214 (office at 6441 Gaston Ave.). Subscriptions: $18.00 for 2 years; $10.00, 1 year; $6.00, 6 months; first class, $12.50 a year; airmail, $14.50. Dan Smoot was born in Missouri, reared in Texas. With BA and MA degrees from SMU (1938 and 1940), he joined the Harvard faculty (1941) as a Teaching Fellow, doing graduate work in American civilization. From 1942 to 1951, he was an FBI agent; from 1951 to 1955, a commentator on national radio and television. In 1955, he started his present independent, free-enterprise business: publishing this REPORT and abbreviating it each week for radio and TV broadcasts available for commercial sponsorship by business firms.

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was arrested and jailed for using a tear-gas pen to protect herself against a man who molested her in a restaurant. It is obvious that the Sullivan law does not deter, but encourages, crimes of violence. It does not keep weapons from criminals and maniacs, but does prevent law-abiding citizens from carrying guns or anything else for self-protection in the sprawling metropolitan jungles teeming with marauding savages.

Practically all advocates of more federal gun-control laws joined with President Johnson and Senator Dodd to capitalize on the widespread feeling of horror caused by the Austin massacre. Many mentioned the murder of eight nurses in Chicago as further reason for Congress to enact the Dodd gun-control law — omitting to mention that Richard Speck murdered the nurses without a gun.

Actually, the mass murders committed by Speck and Whitman prove that citizens should have easy access to firearms and should know how to use them in defense of themselves and others. If any or all of the girls whom Speck murdered had had access to guns they knew how to use, some of them might have been saved.

In the Whitman case, high-powered rifles in the hands of university students did save a number of lives. When police first arrived on the scene, Whitman was standing boldly on the University tower's observation platform, resting his gun on the guard rail, deliberately picking off everyone who came into his sights. He would have been an easy target from the ground, but was out of range of police guns. The police asked for help from students who owned hunting rifles. Two students, who had deer rifles and knew how to use them, volunteered. Using binoculars, police directed the fire of the two students. Whitman took cover behind the guard rail and never again presented a target the boys could hit; but their fire pinned him down and made possible the evacuation of wounded.[4] Fire from students on the ground also helped make it possible for three policemen and a civilian volunteer to force their way onto the observation platform and take Whitman by surprise.

We do need — as Senator Dodd says — some deterrents against crimes of violence. The best deterrent would be a citizenry armed and able to defend itself. There can be no doubt that crimes of violence would decrease sharply if it became commonplace for thugs to be killed by their intended victims. Another effective deterrent would be rigid punishment, under existing law, of criminals who prey on others. A recently-released FBI study revealed that 68,850 convicted criminals who had been given leniency (probation, suspended sentence, parole, or conditional release) averaged three arrests each following the leniency that was granted them. The FBI study concluded:

"Far too many criminals are exploiting leniency to prey on innocent citizens. Too much foolish sentimentalism on the part of judges, probation officers and others is bringing injurious results."[5]

Texas Governor John Connally has suggested a sensible deterrent against crimes of violence. He said:

"I'm seriously considering recommending to the legislature that whenever a serious crime, involving loss of life . . . occurs, that the perpetrator be incarcerated for life and never released.

"Any man who willfully kills another and escapes punishment on the basis of insanity ought to be incarcerated for life."[6]

The Dodd gun-control bill (S 1592) would give federal officials unlimited power to impose harsh and burdensome restrictions on all law-abiding citizens who sell, possess, or use firearms. The power could be used to require national registration, or even to eliminate private ownership of guns by law-abiding persons; but it would never keep criminals from getting and using destructive devices.

Indeed, the Dodd bill provides no penalties for criminals who use guns in the commission of

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crime. The penalties are aimed at lawful sellers and users of guns. In this regard, the Dodd bill is identical with two federal firearms statutes already in existence: The National Firearms Act of 1934 and the Federal Firearms Act of 1938. The 1934 law was intended to restrict possession and interstate transportation of certain types of firearms: submachine guns, sawed-off shotguns, guns with silencers. The 1938 law prohibits interstate transportation of any kind of gun to any person who has been convicted of, or is under indictment for, a crime of violence; who is a fugitive from justice; or who does not present proof that he is licensed to purchase a gun, if the purchaser lives in a state requiring a gun license. But neither law provides penalties for persons who use guns to commit crimes.

The pending Dodd bill has something else in common with the 1934 and 1938 federal firearms-control statutes: it is unconstitutional.

The Second Amendment to the Constitution says:

"A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed."

This is an absolute prohibition against any kind of federal firearms law, because any such law clearly infringes upon the specified right of the people. Consequently, all existing federal firearms laws and all now being proposed are unconstitutional.

Today, we have more restrictive firearms regulations than ever before in the history of the United States; and today, there are more crimes of violence (more in actual number, and more in proportion to the total population). This is not coincidental; it is inevitable. Criminal violence against law-abiding citizens will always increase, as citizens are restricted in their right to defend themselves.

A free man must have unrestricted right to own and use personal weapons, in defense of his family, his home, and his own person, against any marauder — whether the marauder be a soldier of an invading army, an agent of an internal political conspiracy, or a common criminal.

If a man loses his *right* to free, lawful use of personal firearms, he loses his identity as a free agent in a civilized country. He becomes totally dependent upon centralized police authority for protection of his life, liberty, and property.

A citizen's right to keep and bear arms is so essential to freedom that tyranny must follow if it is abrogated.

Nikolai Lenin and Adolf Hitler — experts at enslaving large segments of the human race — understood clearly that a well-armed citizenry is a mighty handicap to dictators.

Lenin said:

"It is only after we have disarmed the bourgeoisie, that the proletariat, without betraying its world historic mission, can turn its weapons into ploughshares. And that is the way the proletariat will act—but only then, and by no means before."[7]

Hitler said:

"The most foolish mistake we could possibly make would be to allow the subject races to possess arms. History shows that all conquerers who have allowed their subject races to carry arms have prepared their own downfall by so doing."[7]

Requiring national registration of personally-owned firearms can be as disastrous to freedom as total disarmament of the citizenry.

In May, 1919, a group of allied intelligence officers raided the headquarters of a revolutionary group in Dusseldorf, Germany. One document seized was entitled "Rules For Bringing About A Revolution." Three basic rules were set out. The first involved corruption of the young by instilling in them contempt for religion and traditional morality. The second involved capturing means of communication so that revolutionists

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could control the thinking of the people and the programs of government. The third rule read:

"Cause the registration of all firearms on some pretext, with a view to confiscating them and leaving the population helpless."(8)

France had a national gun-registration law before World War II. Nazis confiscated the records and the guns, making effective resistance impossible.

It was a firearms registration-and-control law which enabled communists to disarm Czechoslovakians, thus leaving them helpless when communists decided to take over.

Many Americans remember the impassioned pleas of the British for personal firearms to defend their homes and families in 1940, when a Nazi invasion of England seemed imminent. The British had been disarmed by their own government, with severe firearms control regulations.

Many Americans also remember that, when our Armies overran Europe toward the end of World War II, we immediately confiscated and used, wherever possible, the lists of people who had been forced by their own government to register their firearms.

One firearms bill presently before Congress is aimed at the proper target — criminal use of firearms. On March 2, 1965, U. S. Representative Robert R. Casey (Texas Democrat) introduced HR 5642, a bill providing that, "whoever uses or carries any firearm during the commission of any robbery, assault, murder, rape, burglary, kidnapping, or homicide (other than involuntary manslaughter)" shall be sentenced to 25 years in prison.

In support of his bill, Representative Casey said:

"I ask this Congress to stop the harassment of the legitimate gun owner — and instead to open war on the illegal use of firearms by the criminal preying on society."

The Casey firearms bill is the only kind of firearms legislation desirable in a free society; but, as a *federal* law, it, too, would be unconstitutional. Responsibility for restricting criminal use of firearms belongs to local and state governments.

Please write both U.S. Senators from your state and the U.S. Representative from your district, urging them to oppose the unconstitutional Dodd bill (S 1592) which would restrict law-abiding citizens in their right to defend themselves, but would not prevent criminal use of deadly weapons.

If you think additional legislation is needed to curtail criminal use of firearms in your state, you should work for legislation comparable to the Casey bill (mentioned above) at the *state level.*

SUGGESTION: Distribute copies of this *Report* as widely as possible, urging others to write members of Congress expressing opposition to the Dodd gun-control bill.

FOOTNOTES

(1) *Congressional Quarterly Weekly Report*, August 5, 1966, p. 1696

(2) "Panel To Ponder Gun Control Bill," *The Dallas Times Herald*, August 7, 1966, p. 12A

(3) "Crime In The U.S.: Still Climbing," *U.S. News & World Report*, March 21, 1966, p. 16

(4) "Building Presented Hard Shot," *The Dallas Morning News*, August 3, 1966, p. 7A

(5) "The Habitual Offender — FBI Blames Leniency," *U.S. News & World Report*, August 8, 1966, p. 8

(6) "Probation Rules Said Inadequate," *The Dallas Times Herald*, August 4, 1966, p. 1

(7) Pamphlet, National Rifle Association, circa 1963

(8) *The American Rifleman*, August, 1946, p. 31

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